IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4697 OF 2006

Bhagwan Babaji Jankar & Ors. .. Petitioners.

V/s.

The Haffkine Bio-Pharmaceutical Corporation and others .. Respondents.

Mr.S.P.Saxena for the Petitioners.

Ms.N.R.Patankar with V.P.Sawant for the Respondent Nos. 1 to 3.

CORAM : F.I. REBELLO AND R.M. SAVANT, JJ.

DATED : 16TH MARCH, 2007.

P.C.:

. The petitioners rely on Rule 162 of the Maharashtra Civil Service (Pension) Rules, 1982. That Rule provides that where a pensioner formerly in Military Service, obtains employment in civil department, after having been granted a Military Pension and continues to draw his Military Pension, the authority competent to fix the pay and allowance of the post in which he is re-employed shall, in fixation of his pay and allowance in the post, reduce his initial pay in the post by the amount of pension, including such portion of it as may have been commuted and fix the pay.

There are some other provisions.

2. Admittedly, the petitioner has joined a company registered under the Indian Companies Act. Considering the above, in our opinion, Rule 162 of the MCS (Pension) Rules will not be applicable in the present case.

3. In the light of the above, the petition is disposed of.

(F.I.REBELLO,J.)

(R.M.SAVANT,J.)

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